

BENJAMIN LOCKE)
)
 Plaintiff,)
)
)
)
)
 v.)
)
 NORTH CAROLINA STATE UNIVERSITY;)
 WILLIAM R. WOODSON, in his official capacity)
 DEBORAH A. YOW, in her official capacity;)
 LESTER S. CLINKSCALES, in his official)
 capacity; and ROBERT M. MURPHY JR., in his)
 official and individual capacities)
)
 Defendants.)

**DEFENDANT
ROBERT M. MURPHY, JR.
MOTION TO DISMISS**

Fed. R. Civ P. 12(b)(1)
Fed. R. Civ. P. 12(b)(6)

Pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Robert M. Murphy, Jr. respectfully moves this Court for an Order dismissing this action for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted. In support of this Motion the Defendant will rely on his memorandum. For the reasons set out therein, Defendant respectfully requests that all claims against him by the Plaintiff be dismissed.

In the alternative, Defendant respectfully joins the request for a stay in accordance with the Motion to Dismiss and to Stay filed by North Carolina State University.

This the 29th day of November, 2022.

Kurtz & Blum, PLLC

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